

# The Supreme Court of South Carolina

Kyle Jacob James, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000743

Lower Court Case No. 2012-CP-46-01693

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## ORDER

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The circuit court issued a conditional order of dismissal, which gave petitioner twenty days to show cause why the conditional order should not become final. According to the final order of dismissal, petitioner did not file a response to the conditional order. Petitioner has now served and filed a notice of appeal from the final order.

Where, as here, a PCR applicant fails to file a response to a conditional order of dismissal, this Court has held that the applicant cannot appeal. *Edith v. State*, 369 S.C. 408, 632 S.E.2d 844 (2006). Accordingly, the notice of appeal is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



C.J.  
FOR THE COURT

Columbia, South Carolina  
April 17, 2013

cc: Eleanor Duffy Cleary, Esquire  
James Rutledge Johnson, Esquire